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Chairman: Mr. CISSÉ (Senegal)

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The meeting was called to order at 10.30 a.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/C.3/49/5, 8 and 10)

1. Mr. van der STOEL (Special Rapporteur on the situation of human rights in Iraq) drew the Committee's attention to the deterioration of the human rights situation which he had observed in Iraq since his first report in March 1991.

2. Disappearances had been reported by thousands of families. According to the report of the Commission on Human Rights Working Group on Enforced or Involuntary Disappearances, Iraq's situation in that respect was by far the worst in the world. Credible testimony had been presented regarding the disappearance of Kuwaitis or of third-country nationals. More than 600 persons were still missing. Iraq was responsible for those disappearances. Recently, the Iraqi Government had seemed more willing to cooperate; it was to be hoped that it would take concrete measures to clarify the unsolved cases of disappearance.

3. The situation in southern Iraq was continuing to deteriorate. After having denied that the marshes were being drained, the Government had claimed that that drainage was part of a long-planned agricultural development project, and had then blamed Turkish dams.

4. The marshes, which had constituted one of the world's largest wetland ecosystems and a source of abundant fresh water in a region where it was in short supply, had largely dried up. The surrounding areas had been flooded and devastated, and virtually nothing had been done to make them cultivable again. The flora and fauna had disappeared. Because the Arab people who lived in the area, which had always served as a place of refuge, were not yet entirely under

the control of the State, they continued to be pursued by the army and their cultural heritage was threatened.

5. The decrees numbered 59, 109, 115 and 117, issued by the Revolution Command Council and published in the Official Gazette during the summer of 1994, prescribed cruel and unusual punishments for various offences, including mutilations for thieves, conscientious objectors, deserters, and any person who gave assistance to victims of legally prescribed mutilations. Military and civilian doctors were forced to carry out those mutilations, which were flagrant and deliberate violations of human rights.

6. He had also received allegations of political killings. Sheikh Al-Tamimi, assassinated in Beirut in April 1994, had been eliminated on orders from Baghdad. Mohammed Taqi al Khoei, the son of the late Shi'a community leader, had died in a bizarre road accident near Nadjaf on 21 July 1994, after having been subjected to threats and harassment for two years. In both those cases, as in others, the Government had clearly wanted to show all opposition forces that it could act with total impunity, even outside Iraqi frontiers, and that any who resisted could pay for it with their lives. That was a perfect example of terrorism.

7. Even the masses, who had been silenced and pacified under a quarter-century of oppression, were victimized. The Government was subjecting them to deprivation by refusing to sell oil under United Nations supervision to pay for purchases of medicine and food, as the Organization had been proposing for three years. The Government failed to cooperate fully with international humanitarian organizations, having long since instructed them to close down their offices in southern Iraq. It had declared that acceptance of assistance would compromise its sovereignty, but it had had no compunction in cutting the people's already limited rations, although it found the resources to move its troops around the country and to build palaces. It continued to complain about the sanctions, which excluded medicines and foodstuffs, and still maintained its own internal economic blockade, especially against the Kurds in northern Iraq.

8. There was no convincing reason why the Government should not accept the sale of oil under Security Council resolutions 706 (1991) and 712 (1991), and end the suffering of the population by providing the needed assistance. Its intransigence on that point was in itself a gross violation of human rights. It was not enough to condemn it, especially since there was no sign that the situation was going to improve; it was actually getting worse.

9. It would be desirable for human rights monitors to be sent to Iraq. They would be able to obtain first-hand information on the situation throughout the country, and their very presence would dissuade the Government from oppressing the country's people. They would also provide needed encouragement to all who felt hopeless in the face of continuing repression and human rights violations. The sending of observers had proved to be useful in El Salvador, Cambodia, Haiti and Rwanda. Were the people of Iraq less worthy of their protection? They needed it, and the United Nations should give them the opportunity to benefit from it.

10. Mr. AL-DOURI (Iraq) said that he challenged the right to judge the human rights situation in Iraq of any person who, like the Special Rapporteur, was neither neutral nor objective. Furthermore, the situation in Iraq could not be assessed without taking into account the circumstances which brought it about, especially the embargo imposed by the United Nations. Mr. van der Stoel was well aware that most of the problems he described could be solved only by the lifting of the embargo, at least in part, to enable the purchase of foodstuffs and medicines.

11. He appealed to the members of the Committee and the General Assembly to begin a real dialogue with Iraq and to refrain from the use of essential goods as a political weapon, which was causing immense harm to the Iraqi population during a period which was supposedly dedicated to the protection of human rights. He believed the painful experience of Iraq, like those of the Libyan Arab Jamahiriya and Somalia, seriously endangered the credibility of the United Nations and of its human rights activities. It was not possible to invoke the Charter of the United Nations to justify the inhumane embargo to which the Iraqi population was being subjected.

12. Regarding his first point, the situation of missing Kuwaitis, the Special Rapporteur had stated in paragraph 13 of his report (A/49/651) that he had been mandated by the Commission on Human Rights to examine that situation. To Iraq's knowledge, the Special Rapporteur had not been asked to carry out that mission. The case of missing Kuwaitis, which was dealt with in Security Council resolution 686 (1991), had been referred to the International Committee of the Red Cross (ICRC), since the problem was a consequence of an armed conflict. Furthermore, a tripartite committee comprising the representatives of Iraq, the Allies and ICRC had been set up to examine that question. Its work would be followed up by a committee which Iraq itself had established for that purpose. It was generally known that Iraq had provided information about 130 of the missing persons. However, the issue was problematic, since the relevant documents had been destroyed. Iraq was seeking to rectify the problem, but its efforts had been hampered by attempts to politicize the matter and the vagueness of many of the allegations. Initially it had received more than 4,000 requests for information; currently there were no more than 600. The Iraqi Minister for Foreign Affairs, Mr. Tarik Aziz, had reiterated Iraq's intention to cooperate with ICRC and stressed the need to refrain from confusing political manoeuvres with issues of a humanitarian nature.

13. Regarding the people referred to by the Special Rapporteur as Marsh Arabs, he maintained that what was happening in southern Iraq did not come under the Special Rapporteur's mandate. He intended to submit a document proving that the Government's activities in that region were simply irrigation projects designed to make submerged areas suitable for agricultural use, which would actually benefit the local population. They were United States, British, Japanese and Russian projects, sponsored by private companies from those countries. Furthermore, German and Brazilian companies had been working in the region until August 1990. Iraq was pleased, under the circumstances, to pursue those land development projects. The Third River or "Saddam River" project was designed to decrease the salinity of the river water with the purpose, inter alia, of making

it drinkable and increasing the amount of land available for cultivation. Iraq had been pursuing those objectives even before the war with Iran. In that connection, he cited an article from the Defense and Foreign Affairs Weekly report, which made it clear that the tendentious version of events based on a CIA report which maintained that the Iraqi projects were designed to harm the Marsh Arabs were actually intended to prevent Iraq from developing its potential. Moreover, the marshes were located on the border with Iran and served as a base for criminal deserters from the armed forces and groups in the pay of a neighbouring State; such groups were engaged in blackmail and terrorism against the population of the region with a view to inciting them to flee to Iran. In that connection it was worth remembering that over 20,000 Iraqi prisoners of war were still being detained in Iran.

14. Regarding what the Special Rapporteur termed the legal application of cruel and unusual punishments, that issue could not be considered without taking account of the deterioration of the social situation and security conditions. When revolting crimes were perpetrated, the usual sanctions, including the death penalty, were no longer effective. It had therefore been necessary to resort to other deterrent punishments, particularly for economic crimes.

15. Regarding the three so-called political killings mentioned by the Special Rapporteur, in the case of Sheikh Al-Tamimi, who was murdered in Beirut, Iraq denied all responsibility in the matter and had asked to participate in the commission of enquiry set up by Lebanon, but the request had been turned down. Regarding the case of Lissy Schmidt, the fatality had taken place in northern Iraq in the area occupied by the Allies, so the Iraqi authorities could not be implicated in any way, especially since they had no reason to eliminate Lissy Schmidt. Northern Iraq was the scene of bloody power struggles between various factions; foreign intelligence services with political interests in the region were also active there. Lastly, regarding the Al-Khoei affair, he said that Iraq had sent a detailed letter on the subject to Geneva, casting doubt on the honesty of the Special Rapporteur's informants. The letter stated that the burial of Mohammed Taqi Al-Khoei had taken place without incident and that none of his property had been confiscated.

16. In paragraph 88 of his report, the Special Rapporteur accused Iraq of having long been involved in terrorist activities both inside and outside its borders. Legitimate questions could be asked about the value of such an accusation coming from an individual who had given his opinion on a killing, that of Sheikh Al-Tamimi, before the investigation had been completed.

17. Regarding the final point mentioned by the Special Rapporteur, namely, the right to food and health care, he referred to the statement made before the Committee by the representative of the Food and Agriculture Organization of the United Nations (FAO) on 23 November 1994, who said it was impossible to talk of respect for human rights when people were going hungry. If he had really wanted to protect human rights, Mr. van der Stoel should have called for the lifting of the food and medicine embargo. He referred the members of the Committee to the reports of the specialized agencies which showed that the standard of living and state of health of Iraqis were continuing to decline. According to FAO, only a

boost to the economy and the recovery in international trade which such a boost would imply could improve the situation in Iraq. Meanwhile, the country was obliged to pursue a policy of rationing. Regarding health care, Iraq was one of the countries which had achieved a satisfactory level in that regard. Unfortunately, the scarcity of medicines had resulted in an increase in the mortality rate; between August 1990 and March 1994 the country had recorded 384,022 deaths, a figure that could be attributed to the continuing embargo. Infant mortality had reached 126 per 1,000 compared with 32 per 1,000 between 1985 and 1990.

18. His delegation categorically rejected the reasoning of the Special Rapporteur when he accused Iraq of being responsible for the poverty of its population by reason of its refusal to apply Security Council resolutions 706 (1991) and 712 (1991). During the five rounds of negotiations held in New York and Geneva in 1992 and 1993, Iraq had tried to secure measures that would have enabled it to meet the basic needs of its people. Those efforts had not succeeded owing to pressure exerted by the United States of America. In the opinion of the United Nations experts who had participated in those negotiations, the measures stipulated by the two above-mentioned resolutions did not apply either to the petroleum industry or to the banking sector. Was it reasonable that the signing of a crude oil export contract should involve at least 30 formalities and the import of food and medicine should entail some 20 administrative steps? Moreover, within Iraq itself, those products were subject to the supervision of hundreds of United Nations observers. Iraq was paying a very high price to maintain its independence and sovereignty.

19. He rejected recommendations (a) to (f) of the Special Rapporteur's report because they did not come under his mandate but that of ICRC in accordance with the Geneva Convention of 1949. For its part, Iraq was cooperating with ICRC.

20. Furthermore, Iraqi felt that the Special Rapporteur was not competent to formulate recommendations (g) and (h); that task fell under the jurisdiction of the United Nations Compensation Commission, which exercised its functions in accordance with Security Council resolution 687 (1991).

21. Regarding the dispatch of human rights observers, Iraq was not the only State rejecting such a recommendation; it was challenged by a number of third world countries concerned with preserving their sovereignty.

22. His delegation concluded by stating that a Special Rapporteur who lacked objectivity and let himself be manipulated for political ends was hardly suited to the task of advancing the cause of human rights.

23. Mr. KEATING (New Zealand) said that the Conference on Human Rights in Vienna had overwhelmingly endorsed the role of the United Nations in the promotion and protection of human rights. The legal instruments relating to human rights and the mechanisms for their implementation provided a solid foundation, which had been further enhanced by the recent establishment of the post of High Commissioner for Human Rights, an initiative which had been supported by New Zealand.

24. Human rights violations were, however, still occurring in some parts of the world, sometimes on a massive scale. His delegation believed that, while Governments were responsible for the protection of their citizens, the international community must act when States violated the fundamental principles laid down in the Charter of the United Nations.

25. The United Nations should pursue its work in the field of human rights in a non-political and non-selective way, and the mechanisms established to ensure respect for those rights should take practical and action-oriented measures. One of the primary mechanisms in that connection was the Programme of advisory services and technical assistance in the field of human rights, the role of which was to help Governments to provide themselves with the legislative and other machinery for promoting and protecting human rights. That so many countries requested assistance in that area demonstrated the utility of such a programme. Similarly, the World Public Information Campaign on Human Rights promoted an environment which enhanced awareness of, and respect for, human rights. The role played by the bodies set up to monitor compliance by States Parties with the various international human rights instruments was also a vital one; those bodies helped to define the content of the rights set out in those instruments and to examine the extent to which States Parties met their obligations under them. The bodies which dealt with specific questions such as torture or forced disappearances also played a useful role in that they helped to develop a better understanding of the nature and causes of particular kinds of violations. Lastly, the United Nations had developed a system of working groups, special representatives and special rapporteurs to investigate allegations and to report to the international community on the human rights situation in certain countries. In that connection, the reports submitted at the current session called for a number of observations.

26. The latest report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia confirmed that human rights abuses were continuing on an appalling scale. In Bosnia and Herzegovina, the resurgence, in the areas controlled by the Serbs, of forced displacements and ethnic cleansing, military attacks against civilian targets and the obstruction of convoys providing humanitarian assistance was a matter of the gravest concern. Those responsible for such abuses must be made to understand that they would one day be brought before the International Tribunal which was currently in session in The Hague. His delegation condemned all such abuses and supported the efforts of the Commission on Human Rights to bring an end to the tragedy.

27. In Rwanda, violations of human rights had reached a level beyond comprehension. The cycle of violence between the two communities in the country must be ended. The objective must be to establish a just and fair society based on law and respect for life and fundamental rights. National reconciliation could be achieved, however, only if those accused of genocide were brought to justice. New Zealand had played a leading role in the Security Council's efforts to establish an International Tribunal to prosecute those alleged to have committed genocide. It had also supported the dispatch of human rights monitors and had been pleased to provide financial assistance to fund their work. It urged the new Government of Rwanda to extend its full cooperation to

the Tribunal and to the monitors in order to create an atmosphere conducive to national reconciliation.

28. With regard to Iraq, his delegation was dismayed by the continuing oppression and flagrant violations of human rights to which the Iraqi people were subjected by their own authorities. The persistent assault on the environment and the lives of the inhabitants of the southern marshlands was a matter of particular concern. New Zealand once again appealed to the Government of Iraq to put an end to the brutality committed by the military and others. His delegation had been particularly shocked by the statement of the representative of Iraq, who had tried to deceive the members of the Committee. The Sanctions Committee was kept regularly informed of the situation in Iraq and knew that large quantities of foodstuffs and medicines reached the country without hindrance. There had been no food blockade and the precarious situation of the civilian population was attributable solely to the political choices made by the Government of Iraq.

29. The serious violations of human rights in Iran reported by the Special Representative of the Commission on Human Rights, in particular the limitations on freedom of religion and belief, were cause for concern. His delegation urged Iran to cooperate with the Special Representative.

30. The report on the human rights situation in the Sudan showed that, far from improving, the situation had deteriorated, particularly in the southern part of the country where the bombardment of civilian targets had intensified. His delegation urged the Government and the other parties to the conflict to respect basic human rights and international humanitarian law.

31. According to the Special Rapporteur, the human rights situation in Cuba had not changed dramatically. His delegation, however, welcomed the recent visit to that country by the High Commissioner for Human Rights and hoped that the Cuban Government would assist the Special Rapporteur in the fulfilment of his mandate.

32. Although the human rights situation in Myanmar remained a matter of serious concern, some signs of improvement could be noted. For instance, a dialogue had been initiated with Aung San Suu Kyi which was likely to continue. His delegation recognized that diplomatic isolation had not paid off in Myanmar and that the development of contacts with the outside world was likely to stimulate liberalization in that country. New Zealand was therefore in favour of engaging in a constructive dialogue and hoped that, in response to that initiative, the State Law and Order Restoration Council would take a series of political and human rights measures, including the unconditional release of Aung San Suu Kyi.

33. In Afghanistan, the continuing armed conflict and the lack of an effective central government were the principal causes of the failure to respect human rights. New Zealand applauded the ongoing efforts to find a political solution to the conflict, including those of the United Nations special mission.

34. Not all the news was depressing, however. The human rights situation should improve in South Africa, where the political climate and the interim

constitution provided a good starting point; in Haiti, where the legitimate authorities had been restored; and in El Salvador, where the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) had recently signed a joint declaration reflecting their determination to cooperate closely in compliance with the Peace Agreements.

35. Lastly, he wished to emphasize that the various mechanisms established to promote human rights could only function if they received the necessary human, material and financial support. The international community must be prepared to provide them with appropriate resources.

36. Mr. BUTLER (Australia) said that the Vienna Conference had made it possible to bring the viewpoints of States on the question of human rights closer together, even if it had not totally put an end to the debate between the adherents of a "liberal" concept and those favouring a more "collectivist" concept, the former stressing civil and political rights and the second, economic and social rights. The Vienna Declaration and Programme of Action clearly reaffirmed that there was no hierarchy in human rights and that cultural differences should not be invoked to justify violations of those rights, which all States had a duty to promote and protect.

37. He welcomed the consensus that had emerged on the legitimacy of United Nations action in that area, in respect both of thematic approaches and country-specific decisions. Under the United Nations Charter, States should take measures to promote human rights, extend wholehearted support to the action undertaken by the Organization in that area and cooperate fully with the machinery created under human rights instruments.

38. Australia shared the concern of the international community regarding the situation of human rights in Cuba and urged the Cuban Government to authorize the Special Rapporteur to visit the country.

39. It also urged Iran to authorize the Special Rapporteur to make a fourth visit to Iran and called on Iran to show more respect for human rights, particularly the right to due process and to equal protection before the law.

40. His delegation was deeply concerned by the fact that the situation of human rights in Iraq showed no sign of improvement; it urged the Iraqi Government to cooperate with the Special Rapporteur and to accept the proposal that a team of human rights monitors should be stationed in the country.

41. In view of the seriousness of human rights violations in the Sudan, Australia regretted that the Sudanese Government had not authorized the Special Rapporteur to visit the country and was particularly concerned about the treatment accorded to opponents and the forced relocation of population groups. It called on the Sudanese Government to respect the International Covenant on Civil and Political Rights, to which the Sudan was a party, and to negotiate a solution to the civil conflict.

42. Australia noted with concern the findings of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and urged

the parties to the conflict to ensure an immediate cessation of human rights violations. The continuing and escalating conflict in Bosnia and Herzegovina threatened chances of finding a peaceful solution and might cause new population displacements. Australia unreservedly supported the efforts of the international community and the Security Council to put an end to the fighting, as well as the work of the International Tribunal on the former Yugoslavia.

43. Australia remained deeply concerned about the continuing humanitarian tragedy in Rwanda, particularly the presence of a considerable number of internally displaced persons and refugees in neighbouring countries. The situation was particularly alarming in the refugee camps in Zaire, where - according to the relief agencies, which threatened to withdraw if the international community did not intervene - former Government forces were maintaining a reign of terror. Australia welcomed the creation of a tribunal to try war crimes in Rwanda and the initiative of the High Commissioner for Human Rights in establishing a team of human rights monitors in that country. It had also paid a contribution of 100,000 Australian dollars to finance the deployment of the monitors.

44. Although the situation in Myanmar was developing favourably, the people of that country were still deprived of their fundamental rights and freedoms. Australia once again called on the Myanmar authorities to release unconditionally Daw Aung San Suu Kyi and other political prisoners and to work with them in promoting national reconciliation. In that context, Australia welcomed the fact that the State Law and Order Restoration Council had met with Daw Aung San Suu Kyi and United Nations representatives and hoped that those meetings would make it possible to initiate a dialogue on the political future of Myanmar. It was pleased to note that, in the eyes of a number of countries, the situation in Myanmar had more chances of progressing through dialogue than through confrontation and isolation. Senator Careth Evans, Minister for Foreign Affairs of Australia, had prepared a series of benchmarks which provided a means of gauging such progress.

45. He recalled that States should abrogate legislation leading to impunity for perpetrators of serious human rights abuses and should prosecute them. In its desire to enhance respect for human rights throughout the world, including Australia, his country had adopted a constructive approach in that area. That approach was characterized by affirmation of the principles of the universality of human rights, rejection of any hierarchy among those rights, maintenance of a coherent position in that area, whatever the country concerned, pragmatism, i.e., the search for the most effective means of promoting human rights, and patience, in other words, recognition of the fact that the essential conditions for enhancement of respect for those rights (better legislative and judicial systems, economic liberalization) could not be established from one day to the next.

46. Mr. SOEGARDA (Indonesia), speaking on agenda item 100 (d), said that Indonesia's action in the field of human rights was based on the Vienna Declaration and Programme of Action. At the tenth summit, held in Jakarta, the non-aligned countries had reaffirmed the universality and indivisibility of human rights, as well as the principles of impartiality and non-selectivity that

should govern consideration of that question. Human rights should not be used as pretexts for the exertion of political pressure, particularly against non-aligned countries and other developing countries. In accordance with the principles of national sovereignty, self-determination and non-interference in the internal affairs of other States, all countries had the right to establish the political and economic systems and institutions of their choice.

47. For many years now, many countries, in particular the non-aligned, had been making great efforts to bring about a balance in the international human rights, so as to reflect the imperative need to combat the poverty from which hundreds of millions of persons were still suffering. The right to development had been formally recognized in the Declaration on the Right to Development, and the World Conference at Vienna had recalled its importance, but the fact remained that many Member States had little concern about ensuring respect for it, which his delegation and those of the non-aligned countries deplored. His delegation also regretted that the Working Group on the Right to Development established by the Commission on Human Rights did not enjoy the necessary support to discharge its mandate. The ministers for foreign affairs and heads of delegation of the non-aligned countries had recalled, at the beginning of the current session of the General Assembly, the need to create an evaluation mechanism to ensure the implementation of the right to development. His delegation therefore eagerly awaited the report that the Working Group in question was to submit to the Commission on Human Rights at its fifty-first session. It also hoped that the Third Committee would once again adopt by consensus the draft resolution on the right to development.

48. His delegation welcomed the activities of the High Commissioner for Human Rights, but pointed out that the mandates and the work of the Commission on Human Rights and its subsidiary bodies must be reviewed with a view to avoiding duplication. Moreover, the restructuring of the Commission's agenda should be accompanied by a rationalization of its work, as indicated in Commission resolution 1993/98. His delegation was also of the view that the United Nations human rights machinery must demonstrate impartiality, objectivity and non-selectivity, and take into account all aspects of human rights, including the right to development, in the spirit of the Vienna Conference.

49. With regard to the Centre for Human Rights, his delegation recalled what it had previously indicated, namely that the Centre's mode of operation must be made more transparent; to that end, a review must be conducted of its mandate, the manner in which it discharged that mandate, the composition of its personnel and its methods of appointment. The capacity of the Centre for advisory services and technical assistance also needed to be strengthened. With regard to enhancing the capacity of the United Nations in human rights activities, Indonesia had been somewhat dismayed by the proposed revisions to Programme 35 of the medium-term plan for the period 1992-1997, as contained in document A/49/6. Those revisions departed from the letter and spirit of the Vienna Declaration and Programme of Action. It was to remedy that state of affairs that the non-aligned countries had proposed a number of amendments to the Programme; as the matter had been referred to the Fifth Committee, his delegation and the non-aligned countries would pursue it in that forum.

50. In conclusion, his delegation recalled that Indonesia, like all the non-aligned countries, was determined to secure the implementation of the Vienna Declaration and Programme of Action and to move the human rights agenda forward. It was determined that human rights should not be used as political instruments against Member States and that the United Nations bodies dealing with human rights should show themselves more effective, more transparent and more responsive to the concerns of countries.

51. Mr. BIGGAR (Ireland) said that his delegation fully supported the statement recently made by the representative of Germany on behalf of the European Union under agenda items 100 (b) and 100 (c) relating to the human rights situation in the world. His delegation wished to address specifically the question of freedom of religion or belief, and in that connection it welcomed the adoption by the Human Rights Committee in 1993 of a general comment on article 18 of the International Covenant on Civil and Political Rights which stressed that the Covenant permitted no limitations on the freedom of religion and belief other than those which were prescribed by law and were necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. Nevertheless, it must be acknowledged that violations of freedom of religion and belief remained numerous, and were often linked with denial of human rights as fundamental as the right to life, the right to physical integrity and security of the person, the right to freedom of expression, the right not to be tortured and the right to be free from arbitrary arrest or detention. His delegation was particularly concerned at the religious intolerance in the Islamic Republic of Iran, where the Baha'i community had been persecuted for many years, to the extent that its viability as a religious community was threatened; in Yugoslavia, where intolerance took the form of ethnic cleansing; and in the Sudan. The situation was also far from satisfactory in many countries whose Governments intentionally violated the fundamental rights of individuals with respect to religion, inter alia, by prohibition of religious rites, forced conversion or prohibition to change one's religion, and went so far as arrest, torture and execution in order to impose their will. In other countries, violations of the freedom of conscience and religion took the form of discriminatory economic and social measures.

52. The Special Rapporteur on forms of intolerance and discrimination based on religion or belief had rightly stressed the elimination of those forms of discrimination could not be dissociated from respect for all human rights, which could not truly be promoted in the absence of democracy and development.

53. In order to combat intolerance, it was essential and urgent for States to ensure that freedom of religion and belief was fully guaranteed to all those within their jurisdiction. That required not only the adoption of legislation on the subject, but also action to ensure that all those whose activities had a bearing on justice - law-makers, judges and police officers, among others - were informed of that legislation. It also required the existence of remedies, at the national and international levels, for those whose fundamental rights had been violated. But if discrimination on religious grounds was to be eliminated, there was also a need to shape the conscience of individuals and, to that end, to teach human rights to children, young people and the general population through the media and community-based activities. Proper training must also be

provided for law enforcement officials. In that connection, his delegation was pleased to note that some of the activities to take place during the Year of Tolerance in 1995 would be aimed at identifying the causes and manifestations of religious intolerance.

54. Churches and religious leaders had a particular responsibility in that area, in that their conduct served as an example. Unfortunately, they did not always exhibit the spirit of tolerance and moderation expected of them. In the former Yugoslavia, for example, the clergy did not always contribute to overcoming extreme nationalistic feelings.

55. As in previous years, his delegation intended to introduce a draft resolution on the elimination of all forms of religious intolerance. It was prepared to discuss it with all delegations, and hoped that it would be adopted by consensus.

56. Mr. HASHIM (Bangladesh), speaking on item 104 (b), pointed out that many developing countries had a great deal of difficulty in ensuring respect for human rights to the same extent as in the developed countries, because of the difficulties they were facing in the socio-economic sphere. By making the right to development a fundamental human right, the Vienna Declaration had recognized that reality. A new premise had been introduced which expanded the concept of violation of human rights to include the idea of deprivation which led to the inability to enjoy recognized rights.

57. There was thus an urgent need for socio-economic rights to be codified into the whole body of human rights. That would also make it possible to identify actors relevant to those expanded rights and their respective responsibilities in protecting and preserving those rights. At a time marked by internationalization of the market-place, which made the domestic economy dependent on external forces, that issue was a particularly topical one. He cited by way of example the European Union which, despite the differences in levels of industrialization and development between the North and the South of the region, had been able to adopt a social charter based on common standards. If the rights and dignity of the individual were to be guaranteed, society as a whole must first be assured of equitable and sustainable development. Moreover, it was also essential to ensure that the vocabulary used in the sphere of human rights was free from all cultural bias. In that connection, he noted with satisfaction that a round table convened by a non-governmental organization aimed at strengthening the universality of human rights was to take place in Jordan the following month. He hoped that the deliberations of the round table would provide useful inputs for the codification of human rights.

58. The role played by the Centre for Human Rights could not be denied, but it must be recognized that the efficiency of its activities could be strengthened. In particular, the Centre needed to examine more closely the origin of the information submitted to it, in order to ensure that it was receivable. That would enable it to screen out communications which were either exaggerated or unfounded. Lastly, coordination must be established between the High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteurs. Cases had been known in which information from one source had been

sent to those offices, which in turn sent separate communications to the Governments concerned.

59. Ms. DROZD (Belarus) thought it quite legitimate for the international community to assign priority to the promotion and protection of human rights, since that was a basic prerequisite for peace and progress in the world. The results of ethnic intolerance and aggressive nationalism in the former Yugoslavia and in Rwanda showed that only humanitarian traditions could put a stop to such appalling phenomena. The efforts of the High Commissioner for Human Rights to strengthen regional cooperation in that sphere were therefore to be welcomed. The trilateral cooperation between the High Commissioner and organizations such as CSCE and the Council of Europe could not but be beneficial to the systematic exchange of information, knowledge and experience in that regard.

60. Her delegation attached particular importance to the Programme of Advisory Services and Technical Assistance offered by the Centre for Human Rights. It was grateful to the Centre for the help which it had, together with the Council of Europe, given Belarus in carrying through the reform of its national legislation. Belarus hoped that the Centre's technical assistance programme would help it set up a national plan of action for human rights.

61. The general elections which had brought the President of the Republic to power were an indication that the country had chosen the path of democracy. By opting for democratic principles - political pluralism, primacy of law, respect for human rights, equality among citizens, freedom of expression, tolerance and respect for the law, in the interests of limiting the abuse of power - Belarus was giving evidence of its desire to be integrated into the European humanitarian area.

62. Belarus, standing as it did at the crossroads of major lines of communication, played a far from negligible role in international political and cultural life. Belarusians were a friendly and tolerant people who had never represented a threat to neighbouring countries, but who unfortunately, owing to the geographical position of their territory, had always suffered the consequences of European conflicts. It could well be understood in those circumstances that the country's policy could only be one of peace based on respect for humanitarian values.

63. Her delegation reacted positively to the missions carried out by the High Commissioner for Human Rights to Estonia and Latvia in October 1994. During the missions, the High Commissioner had addressed the situation of national minorities in those countries. The policy of the Baltic countries with regard to people who were not of native stock had led to Belarus receiving an influx of immigrants of whom 80 per cent, according to the national immigration service, were from Latvia and Estonia. The exodus was due to the adoption by those countries of various measures limiting access to citizenship, in violation of article 15 of the Universal Declaration of Human Rights. Yet the members of the Belarusian minority which had fled the Baltic countries really considered themselves citizens of those countries.

64. Her delegation hoped that the fair and impartial approach to the matter adopted by the High Commissioner would make a satisfactory solution possible. It was convinced that the key to the peaceful and constructive settlement of a problem of such complexity lay in the protection of human rights. As Socrates had said, man was the measure of all things.

65. Mr. ELIASSON (Sweden), speaking on agenda item 100 (b) and (c), deplored the political exploitation of ethnic tensions which was currently taking place with unparalleled brutality in various parts of the world. In the former Yugoslavia, particularly in Bosnia and Herzegovina, so-called ethnic cleansing had to cease immediately. It was of crucial significance that the International War Crimes Tribunal for the Former Yugoslavia, which had been able to start its work, should be given the resources needed for its efficient functioning. Discrimination on ethnic grounds existed also in the Federal Republic of Yugoslavia (Serbia and Montenegro), where the Albanian population in Kosovo, in particular, but also the non-Serb populations in Sandzak and Vojvodina, were victims of persistent and systematic discrimination.

66. He deplored the terrible situation in Rwanda, where an international tribunal for crimes committed had also been established; in Iraq, where dissident opinion was persistently oppressed and some sections of the population continued to be persecuted; in the Sudan, where human rights abuses were rife, particularly in the Nuba mountains; and in Myanmar, where hundreds of political prisoners remained incarcerated.

67. He urged the parties to the conflict in Kashmir to work towards a peaceful solution to the dispute and ensure the protection of the civilian population. His Government was also most concerned by violations of the freedom of expression in Turkey and urged the Government of Turkey to intensify its efforts to ensure respect for human rights, not least in the fight against terrorism.

68. The situation in Guatemala, including the recent resurgence of violence, was of serious concern, despite the progress made in the peace process. He urged the parties to complete the peace negotiations in accordance with the Framework Agreement for the Resumption of the Negotiating Process of January 1994. The will expressed by the parties in El Salvador to pursue the peace process was welcome, but arbitrary detentions and abuses by the police had to be halted. He called on El Salvador to accede to international human rights instruments. The commitment expressed by the Colombian Government to improving the human rights situation and to cooperating with international human rights organs was a welcome one. He called for an end to impunity for military personnel who committed violations of human rights. Lastly, Sweden welcomed the return of President Aristide to Haiti and expressed the hope that a peaceful transition to democracy and respect for human rights would be effected.

69. The right of each individual to express freely his or her views, to have or to adopt a religion and to join or create associations was fundamental to the building of democracy. Such freedom did not exist, or was severely curtailed, in many parts of the world. One such was the Islamic Republic of Iran, where Baha'is and certain Christian communities suffered the most terrible discrimination; another was Nigeria, where the fundamental freedoms of those who

spoke out against the Government were encroached upon. In Algeria political violence had affected all those seeking to exercise the freedom of expression, while in Bangladesh intolerance had been shown by extremists, particularly against the author Taslima Nasrin.

70. In China repressive measures continued to be taken against dissidents and some ethnic and religious groups. The human rights situation in Tibet was of particular concern and gave rise to worries about the survival of the Tibetan ethnic identity.

71. The repression of those advocating democratic reform in Cuba continued unabated. He urged the Cuban Government to cooperate with the Special Rapporteur of the Commission on Human Rights. He also called upon the Indonesian Government to end its repression of dissidents in East Timor. Lastly, he requested the Governments of Turkmenistan, Uzbekistan, Tajikistan and Georgia to adhere to international human rights instruments and ensure respect for the rights of persons whose views differed from those of the Government.

72. Racist and xenophobic attitudes could be changed, as borne out by developments in South Africa. In that connection, Sweden welcomed the commitment by the Government of National Unity to create a non-racial society. It also urged the different parties concerned in Burundi to continue the dialogue aimed at national reconciliation and the building of democracy.

73. In some parts of the world the situation of children was still appalling. He drew particular attention to violations of the rights of the girl child, deploring the failure by several countries, particularly in Africa, to adopt measures aimed at putting a stop to certain forms of genital mutilation.

74. Persistent human rights violations in Liberia and Sierra Leone had had serious consequences for children. In countries such as Afghanistan, Angola, Mozambique and Cambodia thousands of children had been maimed by land mines. Sweden strongly condemned the recruitment of children as soldiers and urged States to ensure that children under the age of 18 did not participate in hostilities.

75. Sweden was convinced that by creating the post of High Commissioner for Human Rights, human rights would be given the priority they deserved in the United Nations system. Sweden requested the High Commissioner to do everything in his power to coordinate and strengthen United Nations action in the area and to continue his dialogue with all Governments.

76. Mr. REMIREZ de ESTENOZ BARCIELA (Cuba), referring to agenda item 100 (c), deplored yet another attempt by the General Assembly to politicize human rights thereby creating an atmosphere of tension and suspicion which was not in keeping with its role. Over the years it had become increasingly apparent that the appointment of a rapporteur on the human rights situation in Cuba was unjustified, discriminatory, illegitimate and unfair. Cuba could not be accused of ever having resorted to torture, political assassinations, or of violating the physical or moral integrity of prisoners of war or confessed terrorists, even when terrorists working for a foreign Power were on its territory. It

could not be accused of ever having caused detainees to disappear or of ill-treating prisoners of war, not even the mercenaries who were taken prisoner during the invasion of the Bay of Pigs organized by the United States Government.

77. If Cuba could be accused of anything, it was of having raised the population's standard of living, having set up one of the best health services in the third world, eradicated illiteracy and given the entire population access to education, reduced infant mortality, increased life expectancy and provided medical assistance to many countries.

78. The Special Rapporteur's report had no legitimate basis since it systematically questioned the legal, political, social and economic system which the Cuban people had freely chosen. Cuba was determined to pursue the economic reforms it had undertaken in spite of the obstacles posed by the embargo. It intended to normalize its relations with Cubans living abroad, irrespective of their place of residence, and to maintain its cooperation with the United Nations human rights bodies, including the High Commissioner for Human Rights, notwithstanding the unfair resolutions that had been adopted against it.

79. Mr. BRAHA (Albania), referring to the reports of special rapporteurs and representatives, said that his country was particularly concerned by the human rights situation in the former Yugoslavia, especially in Bosnia, where the war of aggression which the Serbs had been waging for nearly three years had been characterized by the abhorrent practice of ethnic cleansing among the civilian population particularly in Banja Luka and Prijedor. In that connection Albania supported the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia.

80. Police and military repression by the Serb authorities in other parts of the former Yugoslavia, particularly Kosovo, remained a matter of concern. In Kosovo, 2 million ethnic Albanians lived under a reign of terror. The Special Rapporteur, Mr. Mazowiecki, had described the arrests, ill-treatment, torture and searches to which Albanians in Kosovo were subject. In a report dated September 1994, Amnesty International had given a similar account of the situation in the region, which could be likened to apartheid. Albanian language education was prohibited, Albanian teachers were persecuted and Albanian cultural and scientific institutions had been obliged to close. The repression of the Albanian population of Kosovo by the Belgrade regime was a form of ethnic cleansing carried out for the purpose of colonizing the region with Serbs. The Commission on Human Rights had condemned the discrimination against Albanians in Kosovo and urged that the will of the population in the region be respected. The situation there continued to deteriorate and it was therefore essential that the United Nations should take immediate steps to ensure that the region returned to normality.

81. Reviewing the progress which had been made in his country in recent years since the restoration of democracy, he pointed out that national legislation had been brought into line with democratic principles, freedom of the press had been recognized, all citizens had been declared equal before the law, human rights

had been spelled out in the Constitution and a modern judicial system, based on the principle of the independence of the judiciary was in the process of being established; lastly, there was full freedom of movement and information and, for the first time in nearly a quarter of a century, the opportunity of freely manifesting religious beliefs.

82. He pointed out that the Greek minority in Albania enjoyed full equality before the law and participated in the political, economic and social life of the country. The minority lived in harmony with the Albanians. Mr. Max van der Stoel, the High Commissioner on National Minorities of the Conference on Security and Cooperation in Europe (CSCE), had acknowledged that fact in the report he had submitted at the meeting of the Committee of Senior Officers of CSCE held recently in Budapest. There was no truth to the allegations that members of the Greek minority in Albania were denied their basic human rights. The Republic of Albania had repeatedly declared its commitment to promoting human rights, and had given tangible proof of that commitment.

The meeting rose at 1.10 p.m.